

## **KENTUCKY REAL ESTATE APPRAISERS BOARD**

### **TYPE OF MEETING**

Regular Meeting

### **DATE AND LOCATION**

November 20, 2009 – Board Office

### **PRESIDING OFFICER**

Dorsey Hall, Chair

### **ROLL CALL**

Present:

Dorsey Hall, Chair  
Sam E. Blackburn, Board Member  
G. Herbert Pritchett, Board Member  
Harold G. Brantley, Board Member

Present Also:

Larry Disney, Executive Director  
Angie Thomas, Staff Assistant  
James Grawe, Board Counsel  
Dennis Badger, Investigator

Absent:

Loren Huff, Board Member

Chair, Dorsey Hall opened the meeting and welcomed the guest.

### **NEW BOARD MEMBER OATH OF OFFICE**

Angie Thomas, Notary Public performed the Oath of Office for new Board Member Harold G. Brantley of Bowling Green, KY.

### **ELECTION OF OFFICERS**

Per KRS 324A.025 an election of officers will be held after appointment of new members. Loren Huff, Board member joined the meeting by phone. Nomination and motion was made by Loren Huff to elect Dorsey Hall as Chair and Sam Blackburn as Vice Chair, a second was made by Herbert Pritchett, and the vote was unanimous.

Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously approved the November 20, 2008 minutes with changes as noted below:

- Change wording on back page for legislatures to legislators.
- Add the Board expressed concern about cases that have not been settled within the one year required of the ASC.

## **EDUCATION**

Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously agreed to approve the following education courses for fiscal year 2009-10:

- (1) Appraisal Institute – Online Education
  - (a) Online Residential Challenge: Declining Markets and Sales Concessions – 7 hours Online CE
- (2) McKissock, LP – Virtual Classroom Education
  - (a) Risky Business: Ways to Minimize Your Liability – 7 hours Virtual Classroom CE
  - (b) Sales Verification: Principles, Procedures and Case Studies – 7 hours Virtual Classroom CE

## **EXPERIENCE**

Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to accept staff recommendation and approve the following experience:

- (1) Ryan Childers – Approve experience for Certified Residential
- (2) Kevin Johnson – Approve experience for Certified General
- (3) Shellia Hamilton – Approve experience for Certified General
- (4) Bret Hogan – Approve experience for Certified Residential
- (5) Ashley Maggard – Approve experience for Certified Residential
- (6) William R. Mercer – Approve experience for Certified General
- (7) Matthew W. Pendley – Approve experience for Certified Residential

## **CERTIFICATION/LICENSURE**

Motion by Sam Blackburn, second by Harold Brantley and the Board voted to approve a total of eight (8) individuals for certification/licensure.

- (1) Mary Ann Barnett – Certified General – Reciprocal with Texas
- (2) Ryan Childers – Certified Residential
- (3) Bret Hogan – Certified Residential
- (4) Kevin Johnson – Certified General
- (5) Shellia Hamilton – Certified General

- (6) William R. Mercer – Certified General
- (7) Matthew W. Pendley – Certified Residential
- (8) Curtis R. Whitt, Jr. – Certified Residential – Reciprocal with Ohio

## **COMPLAINT**

- A. Case Summary Flow Chart
- B. Dennis Badger – Report on the contractor activities – Dennis advised the Board he would have the investigations completed all cases prior to 09-10 at the December Board meeting
- C. Dennis Badger discussed sending any cases that would exhibit negligence or fraud to the FBI. Dennis will present the cases to the Board at the December Board meeting.
- D. The Board was advised there have been a total of 58 cases filed for 2009.
- E. The Board expressed great concern about any cases that exceed one year. The Board also expressed that the ASC requirement for completing cases are within one year of the Board receiving the cases.
- F. Larry Disney advised the Board all cases one year and over must be closed within the next 90 days if at all possible. He also stated that it is his responsibility to have the cases investigated and closed within one year when legally possible. He advised the Board that no case should carry over one year without legal action or other sufficient reasoning for a delay. Larry also advised the Board that ASC will be issuing a letter in what is and what is not acceptable for compliance within the one year.
- G. Case Summary Flow Chart - Number of cases filed for 2009 – 58 cases
- H. Case No. 09-43 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to file a formal complaint and set for a hearing.
- I. Case No. 08-15 – Agreed Order – Thomas Mudd. Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously agreed to accept the agreed order, whereby,
  - 1. Mudd shall be fined the sum of \$2,000.00 with total amount due with the signed agreed order.
  - 2. Mudd shall complete a 15 hour National USPAP class including successful completion of the examination for appraisal development and reporting issues and a 7 hour course in developing the Scope of Work. Said **22** hours of education shall be considered credible for the mandatory continuing education
- J. Case No. 09-32 – Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously agreed to dismiss the case.
- K. Case No. 09-33 – Motion by Harold Brantley, second by Herbert Pritchett and the Board unanimously agreed to dismiss the case.
- L. Case No. 09-38 – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to file a formal complaint and set for a hearing.
- M. Case No. 09-45 – Motion by Harold Brantley, second by Herbert Pritchett and the Board unanimously agreed to file a formal complaint and set for a hearing.
- N. Case No. 09-47 – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to file a formal complaint and set for a hearing.

- O. Case No. 08-88 – Motion by Herbert Pritchett, second by Harold Brantley and the Board unanimously agreed to dismiss with a letter of caution.
- P. Case No. 08-74 – Agreed Order – Benjamin Davidson. Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to accept the agreed order, whereby,
  - 1. **Davidson** shall complete no less than a 30 hour Report Writing Course. Said 30 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by July 1, 2010.
  - 2. **Davidson** shall be fined the sum of \$300.00 with total amount due with the signed agreed order.
- Q. Case No. 09-34 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to dismiss the case.
- R. Case No. 09-46 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to dismiss the case.
- S. Case No. 09-50 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to dismiss the case.
- T. Case No. 09-57 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to dismiss the case.
- U. Case No. 09-31 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to dismiss the case.
- V. Case No. 08-71 – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to dismiss with a letter of caution.
- W. Case No. 08-90 – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to file a formal complaint and set for a hearing.
- X. Case No. 08-79 – Agreed Order – Roger L. Osborne. Motion by Harold Brantley, second by Sam Blackburn. After discussion of the case a motion was made by Sam Blackburn, second by Harold Brantley to rescind first motion. A new motion was made by Sam Blackburn, second by Harold Brantley to revise the agreed order (Item #5) to state “Osborne shall have no associate appraisers for a period of two years from the date of the agreed order”, the Board unanimously agreed.
  - 1. **Osborne** shall complete a 7 hour Scope-of-Work course. Said 7 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by July 1, 2010.
  - 2. **Osborne** shall be fined the sum of \$500.00 with total amount due with the signed agreed order.
  - 3. **Osborne** shall submit to the Board staff a log every 6 months for a period of 2 years from the date of the agreed order and the Board absolute must review assignments from the log for a period of two years from the date of the agreed order.
  - 4. **Osborne** agrees the Board members, Board staff, or designee can visit the appraiser’s office and at random select and review files listed on the log of appraisal activity for 2 years from the date of the agreed order; and
  - 5. **Osborne** shall be restricted to one associate real property appraiser for 2 years from the date of the agreed order.
- T. Case No. 08-87 – Motion by Herbert Pritchett, second by Harold Brantley and the Board unanimously agreed to dismiss the case.
- U. James Grawe advised the Board that a Summary of judgment will be submitted by the end of December for the Miniard and Prichard appeals.

- V. Case No. 09-39 – Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously agreed to dismiss the case.

### **MISCELLANEOUS**

- A. Budget ending October 31, 2009
- B. ASC Review
- C. 2010 Holidays for State Personnel
- D. ASFMRA – Legislative Action News
- E. HVCC and AMC Status
- F. Memo concerning Time expectation for filing a grievance – The Board agrees that these cases will be taken on a case by case basis.
- G. Appraisal Institute Announcement of Harold Brantley Appointment
- H. Request from David Glauber – Approve education course for CE credit – Motion by Sam Blackburn, second by Herbert Pritchett and the Board denied the request for lack of information submitted to review course.
- I. Memo concerning Supervisor/Associate Program Regulations
- J. Motion by Sam Blackburn, second by Herbert Pritchett and the Board agreed to discuss USPAP regulation change in April.
- K. Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to pay 1/3 of the cost of Mr. James Grawe to attend a Board Attorney training session in January 2010. The estimate cost for the Board will be approximately \$500.00.

### **NEW BUSINESS**

- A. December Board Meeting – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to change the December Meeting to Thursday, December 17, 2009 – 9:00 a.m.
- B. December Hearing – December 17<sup>th</sup> at 12:00, 1:00 and 2:00.
- C. February Hearing – February 16-18, 2010 – Mark Mitchell

The next Board meeting is scheduled for Thursday, December 17, 2009 – 9:00 a.m. at the board office.

Motion by Harold Brantley, second by Herbert Pritchett and the Board voted unanimously to adjourn the meeting.

  
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Chair

  
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Staff Assistant